

SENATE BILL 9008

By McNally

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 16 and Title 17, relative to a district attorney
general peremptorily refusing to prosecute all
instances of a criminal offense without regard to
facts or circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-7-106(a), is amended by
designating the current language as subdivision (a)(1) and adding the following new subdivision:

(2) If a district attorney general peremptorily and categorically refuses to
prosecute all instances of a criminal offense without regard to facts or circumstances,
then the attorney general and reporter may petition the court for appointment of a district
attorney general pro tem. If the court finds that the district attorney general has refused
to attend and prosecute according to law, then the court shall appoint some other
attorney as district attorney general pro tem in the district attorney general's place for the
sole purpose of prosecuting persons accused of committing that offense. The acts of
such district attorney general pro tem are valid as if done by the regular officer, and the
district attorney general pro tem is entitled to the same privileges and emoluments.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.